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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,416	01/27/2004	Jean-Michel Larrieu	BDL-446XX	2182
207	7590	03/11/2005	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			WALBERG, TERESA J	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/765,416

Applicant(s)

LARRIEU ET AL.

Examiner

Teresa J. Walberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 11-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should be amended to remove terms such as "comprises" and "the invention is applicable to".

2. Applicant's election with traverse of Group I, claims 1-10 in the reply filed on January 27, 2005, is acknowledged. The traversal is on the ground(s) that search of both inventions would not be an undue burden on the examiner. This is not found persuasive because examination of the non-elected invention would require searching additional art area that would not be searched in the examination of the elected invention. This is deemed to be an undue burden on the examiner and thus restriction is proper.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 11-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or

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linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 27, 2005.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giannetti et al (5,520,976) in view of Vidal et al (6,397,581).

Giannetti et al discloses an active cooling panel (col. 3, lines 58-64) including parts (col. 5, lines 11-19) made of structural composite materials (col. 4, lines 3-24), having inside and outside faces (see Figs. 1-2), the panel including a sealing layer (34, see col. 5, lines 36-40) situated at a distance from the assembled faces.

Giannetti et al does not disclose channels formed by indentations in inside faces of the parts and the parts being bonded together by brazing.

Vidal et al discloses composite layer in an active cooling layer having channels formed by indentations in inside faces of the parts (see Fig. 1) and the parts being bonded together by brazing (box 29 in Fig. 2).

It would have been obvious in view of Vidal et al to use channels formed by indentations in inside faces of the parts and to bond the parts together by

brazing in the cooling panel of Giannetti et al, the motivation being to make it easier to use differing composite compositions in various parts of the device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giannetti et al (5,520,976) in view of Vidal et al (6,397,581) as applied to claims 1, 3-5, 9, and 10 above and further in view of Buckreus (5,154,352).

Giannetti et al in view of Vidal et al disclose an active cooling panel having the claimed structure with the exception of the channels being formed on the inside face of the part whose outside face is exposed to high temperatures.

Buckreus discloses composite cooling panel layer having the channels formed on the inside face of the part whose outside face is exposed to high temperatures. See Fig. 2.

It would have been obvious in view of Buckreus to use channels formed on the inside face of the part whose outside face is exposed to high temperatures in the cooling panel of Giannetti et al in view of Vidal et al, the motivation being to improve heat transfer from the hot surface to the cooling fluid.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giannetti et al (5,520,976) in view of Vidal et al (6,397,581) as applied to claims 1, 3-5, 9, and 10 above and further in view of Stroobants et al (2004/0182557).

Giannetti et al in view of Vidal et al disclose an active cooling panel having the claimed structure with the exception of ribs projecting from the outside face of the plate opposite the higher temperature plate.

Stroobants et al disclose a heat transfer panel layer having ribs projecting from the outside face of the back plate. See Fig. 5.

It would have been obvious in view of Stroobants et al to use ribs projecting from the outside face of the back plate in the cooling panel of Giannetti et al in view of Vidal et al, the motivation being to improve the strength of the panel.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giannetti et al (5,520,976) in view of Vidal et al (6,397,581) as applied to claims 1, 3-5, 9, and 10 above and further in view of Chiles et al (5,022,459).

Giannetti et al in view of Vidal et al disclose an active cooling panel having the claimed structure with the exception of a sealing layer separating one of the parts into two portions.

Chiles et al disclose a heat transfer panel layer having a sealing layer (38) separating one of the parts into two portions (38, 42). See Fig. 3.

It would have been obvious in view of Chiles et al to a sealing layer separating one of the parts into two portions in the cooling panel of Giannetti et al in view of Vidal et al, the motivation being to better seal the panel.

9. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a device of the type claimed having a sealing layer separating a part into two portions between its inside face and outside face with the sealing layer and the portions on the outside of the part provided with the sealing layer projects from the periphery of the panel.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Remde et al is cited to show panels with channels.

Popplewell et al is cited to show a panel with a sealing layer.

Hering and Herlbert et al are cited to show composite panels.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Teresa J. Walberg  
Primary Examiner  
Art Unit 3742

tjw